



**CITY DEVELOPMENT DEPARTMENT-PLANNING  
ZONING BOARD OF ADJUSTMENT MEETING MINUTES  
COUNCIL CHAMBERS, CITY HALL BUILDING  
JULY 8, 2013  
1:30 P.M.**

Chairman Concha called the meeting to order at 1:31 p.m.

The following Board Members answered roll call:

Mr. Robert Concha, Jr., Chairman  
Mr. Robert Garland, Vice Chairman  
Mr. Ken Gezelius  
Mr. Michael Schwartz  
Mr. Rick Cordova  
Mr. Lamar Skarda  
Mr. Michael Bray  
Mr. Samuel Barela

The following City Staff were present:

Ms. Nancy Stoltz, City Development Department, Senior Secretary  
Ms. Linda Castle, City Development Department, Planning, Senior Planner,  
ZBA Secretary  
Mr. Alex Hoffman, City Development Department, Planning, Lead Planner  
Ms. Kristen Hamilton, City Attorney's Office, Assistant City Attorney  
Mr. Daniel Chavira, City Development Department, Building Permits &  
Inspections, Building Plans Examiner

**CHANGES TO THE AGENDA**

*None.*

**ITEM 1:**

PZBA13-00017                      3424 Broken Bow                      Richard J. Lara  
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard  
Setback) in an R-3/sp (Residential) zone. This would allow a 19' by 12'  
addition of which a 19' by 3' portion (57 square feet) is proposed to encroach  
into the rear yard setback and to be located within 17 feet of the rear property  
line. Special Permit 97-12 for a planned residential development was granted  
for reduced lot widths and 20' front yard setbacks and 20' rear yard setbacks.

**Mayor**  
Oscar Leeser

**City Council**

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Joyce A. Wilson



The required front and rear yard cumulative setback total is 40 feet in this R-3/sp zone district.

**STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.**

Ms. Castle gave a PowerPoint presentation and noted Staff did receive several phone calls; however, there were no objections to the request. Staff did not receive any letters in favor of or opposition to the request. She noted the revised site plan shows the existing accessory building.

Ms. Kimberly Ayala, representative, was present.

**MOTION:**

*Motion made by Mr. Schwartz, seconded by Mr. Gezeliuss AND UNANIMOUSLY CARRIED TO APPROVE.*

**ITEM 2:**

PZBA13-00019                      4360 Loma de Luna Drive                      Jose P. Pinon  
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3/sc (Residential) zone. This would permit an existing 38.2' by 13.8' addition of which a 38.2' by 7' portion (268 square feet) encroaches in the required rear yard setback and is located to within 18' of the rear property line. The required front and rear yard cumulative setback total in the R-3/sc zone district is 50 feet. The applicant is trying to legalize an existing addition to his house in order to sell the property. Property owner states the addition was there when he purchased the house in 2004. Property owner is in the process of obtaining a building permit.

**STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C, WITH THE CONDITION THAT A BUILDING PERMIT IS OBTAINED.**

Ms. Castle gave a PowerPoint presentation and noted Staff did receive several phone calls; however, there were no objections to the request.

Mr. Jose P. Piñon, property owner, was present.

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**MOTION:**

*Motion made by Mr. Bray, seconded by Mr. Garland AND UNANIMOUSLY CARRIED TO APPROVE WITH THE CONDITION THAT A BUILDING PERMIT IS OBTAINED FOR THE ADDITION.*

**ITEM 3:**

PZBA13-00020                      10529 Gala Street                      George Sanchez  
Applicant requests a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would allow a 23.5' by 12' addition of which a 23.5' by 6' portion (141 square feet) is proposed to encroach in the required rear yard setback and to be located to within 19 feet of the rear property line. The required cumulative front and rear yard setback total in the R-3 zone district is 50 feet. The applicant is requesting to add a storage room to the house that will encroach in the required rear yard setback.

**STAFF RECOMMENDATION IS FOR APPROVAL OF THE REQUEST AS IT MEETS THE REQUIREMENTS OF THE SPECIAL EXCEPTION C.**

Ms. Castle gave a PowerPoint presentation and noted Staff did receive two phone calls; however, there were no objections to the request.

Ms. Vanessa Lopez, representative, was present.

Mr. Cordova clarified that Board Members were being asked to approve the proposed addition as a storage room. He then asked Staff if the storage room might be used also as living quarters.

Ms. Castle responded she had not seen the floor plan for the storage room; however, yes, the proposed storage room could be used as living quarters.

Ms. Lopez noted that there were no plumbing features shown in the proposed addition floor plans.

**MOTION:**

*Motion made by Mr. Garland, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO APPROVE.*

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**Other Business**

4. Affirmation of unanimous votes on ZBA cases presented at the November 12, 2012, December 10, 2012, January 14, 2013 and February 11, 2013 meetings:

Ms. Castle explained that Messrs. Bray and Walker terms as Board Members had expired October 1, 2012. In August of 2012, Ms. Castle spoke to the respective City Representative Staff regarding the upcoming term expirations. At the conclusion of that conversation, Ms. Castle was assured the *Board Re-Appointments* would be posted on the following City Council agenda. Although their terms had expired, Messrs. Bray and Walker continued attending ZBA meetings and casting their votes accordingly.

Therefore, Ms. Castle then reviewed those ZBA Minutes whereby seven Board Members, including either one or both Messrs. Bray and Walker, were present. The following are the ZBA meeting dates, and zoning cases, that require affirmative votes of the Board.

*NOTE: At the ZBA meetings, as listed above, Board Members voted unanimously in favor of approving the zoning case requests.*

*To review ZBA meeting minutes please go to:*

[http://www.elpasotexas.gov/development\\_services/preview\\_meeting\\_s.asp?atype=zba](http://www.elpasotexas.gov/development_services/preview_meeting_s.asp?atype=zba)

**MOTION:**

*Motion made by Mr. Bray, seconded by Mr. Schwartz AND UNANIMOUSLY CARRIED TO AFFIRM.*

**Applications approved on November 12, 2012**

**PZBA12-00033**      Lot 55, Block 6, Town and Country Village,  
City of El Paso, El Paso County, Texas  
**ADDRESS:**      5160 Mace Street  
**REQUEST:**      Special Exception J (Carport over a Driveway)

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**PZBA12-00037**      Lot 13, Block 8, Shearman #2, City of El Paso,  
El Paso County, Texas  
ADDRESS:      10740 Opalstone Street  
REQUEST:      Special Exception C (Rear Yard Setback)

**PZBA12-00038**      Lot 11, Block 13, Regal Crest #2, City of El  
Paso, El Paso County, Texas  
ADDRESS:      716 Cascade Lane  
REQUEST:      Special Exception J (Carport over a Driveway)

**PZBA12-00039**      Lot 14, Block 194, Tierra Del Este #50, City of  
El Paso, El Paso County, Texas  
ADDRESS:      3352 Scarlet Point Drive  
REQUEST:      Special Exception G (Builder Error)

**PZBA12-00040**      Lot 51, Block 6, Coronado Country Club  
Estates (Replat), City of El Paso, El Paso  
County, Texas  
ADDRESS:      1117 Thunderbird Drive  
REQUEST:      Special Exception L (Front Yard Setback) and  
Special Exception C (Rear Yard Setback)

**Application approved on December 10, 2012**

**PZBA12-00043**      Lots 11 to 16, Block 60, Cotton Addition, City  
of El Paso, El Paso County, Texas  
ADDRESS:      1731 Myrtle Avenue  
REQUEST:      Special Exception K (15 years or more)

**Applications approved on January 14, 2013**

**PZBA12-00041**      Lot 51 except the westerly 4 feet, Block 26,  
Sarah Anne Park #2, City of El Paso, El Paso  
County, Texas  
ADDRESS:      5798 Dalhart Drive  
REQUEST:      Special Exception J (Carport over a Driveway)

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<b>PZBA13-00004</b>	Lots 31 and 32, Block 89, Bassett Addition, City of El Paso, El Paso County, Texas
ADDRESS:	2431 E. Yandell Avenue
REQUEST:	Special Exception B (Two or More Nonconforming)

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**PZBA13-00005** Lot 17, Block 297, Tierra Del Este Unit #64,  
City of El Paso, El Paso County, Texas  
**ADDRESS:** 14308 South Cave Avenue  
**REQUEST:** Special Exception G  
(Builder Error, Side Setback)

5. Reminder to Board about terms expiring October 1, 2013: Sam Barela, Robert Concha, Rick Cordova, Robert Garland, Jeffrey Gonzalez.

Ms. Castle reminded Board Members of the October 1, 2013 term expiration date and suggested they contact their respective City Council Representative should they wish to continue serving as a ZBA Board Member.

*As a reminder, Staff will post this as a recurring item on the agenda.*

	<b>ZBA Board Member Name</b>	<b>District</b>	<b>City Council Representative</b>
<b>1</b>	Sam Barela	2	Mr. Larry Romero
<b>2</b>	Robert Concha	2	Mr. Larry Romero
<b>3</b>	Rick Cordova	Mayor	Mayor Oscar Leaser
<b>4</b>	Robert Garland	1	Ms. Ann Morgan Lily
<b>5</b>	Jeffrey Gonzalez	3	Ms. Emma Acosta

Mr. Skarda asked if Ms. Castle would contact the City Council Representative's office on behalf of the Board Members.

As long as Board Members advise her of their willingness to serve another term, Ms. Castle would contact the respective City Council Representatives. Additionally, should Board Members know of individual(s) willing to serve, please notify Ms. Castle.

6. Approval of Minutes: January 14, 2013 (Corrected Date) and June 10, 2013.

Inadvertently, Chairman Concha noted, the January 14, 2013 minutes showed the February 11, 2013 date. Notably, Board Members previously approved the January 14, 2013 ZBA minutes.

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(with the February 11, 2013 date)

Ms. Castle clarified the date is now correct for the January 14, 2013 meeting minutes.

**MOTION:**

*Motion made by Mr. Bray, seconded by Mr. Schwartz AND UNANIMOUSLY CARRIED TO APPROVE THE JANUARY 14, 2013 ZBA MINUTES WITH THE CORRECTED DATE OF JANUARY 14, 2013.*

Mr. Skarda noted the date on the June minutes was not correct. It should read *June 10, 2013*.

Chairman Concha clarified the date for the June ZBA minutes shows *June 11, 2013*; however, the meeting date was *June 10, 2013*.

**MOTION:**

*Motion made by Mr. Skarda, seconded by Mr. Bray AND UNANIMOUSLY CARRIED TO APPROVE THE JUNE 10, 2013 ZBA MINUTES WITH THE CORRECT DATE OF JUNE 10, 2013.*

**MOTION:**

*Motion made by Mr. Gezelius, seconded by Mr. Skarda AND UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 1:52PM*

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Linda Castle, Senior Planner

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